

Attorney Docket: 00023
U.S. Application No. 09/751,809 Examiner Brown, Art Unit 2611
Response to January 24, 2008 Office Action

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REMARKS

In response to the Office Action dated January 24, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 6-9 and 19-20 are currently pending in this application. Claims 1-5, 10-18, and 21-24 were previously canceled without prejudice or disclaimer.

Rejection under § 103 (a)

The Office rejected claims 6-9 and 19-20 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,947,966 to Oko, Jr., *et al.* in view of U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.*, in view of U.S. Patent 5,710,815 to Ming, *et al.*, and further in view of U.S. Patent 5,195,135 to Palmer.

Claims 6-9 and 19-20, however, are not obvious over the proposed combination of *Oko*, *Cowan*, *Ming* and *Palmer*. These claims recite, or incorporate, features that are not disclosed or suggested by *Oko*, *Cowan*, *Ming* and *Palmer*. Independent claim 6, for example, recites “scanning the batch of program data in advance to determine a percentage of the program data that will be blocked according to the user profile” (emphasis added). Independent claim 6 also recites “when the percentage of the blocked program data exceeds a threshold percentage, then blocking the entire program.” Support for such features may be found at least at page 16, line 30 through page 17, line 7 of the as-filed specification. Independent claim 6 is reproduced below, and independent claim 9 recites similar features.

6. A method of formulating alternative programming, comprising:

- releasing a plot via a website;
- embedding alternative plots into channels;
- receiving user votes via the website for the alternative plots;
- tabulating the votes;

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based on the tabulation, sending an instruction to switch to an alternate channel for a particular alternative plot;
receiving a batch of program data associated with a program;
retrieving a user profile specifying content attributes which a user wishes to block;
scanning the batch of program data in advance to determine a percentage of the program data that will be blocked according to the user profile;
when the percentage of the blocked program data exceeds a threshold percentage, then blocking the entire program; and
receiving control data comprising control instructions to alter a display screen at coordinates specified by the control data.

The proposed combination of *Oko*, *Cowan*, *Ming* and *Palmer* does not obviate all these features. As the Assignee has already explained, *Oko* discloses how users may vote to determine the direction of a program. See, e.g., U.S. Patent 6,947,966 to *Oko, Jr., et al.* (Sep. 20, 2005) at column 2, lines 46-49. See also *id.* at column 2, lines 65-67, at column 3, lines 1-14, at column 3, lines 33-52, at column 6, lines 1-10, and at numerous other places. "Based upon the votes made, the various content providers will modify the content being sent to the viewing audience ... in real time or near real time." *Id.* at column 6, lines 38-41. A content provider may "have optional content 86, which can be presented to network users depending upon the poll of the network users." *Id.* at column 7, lines 19-21. *Cowan* discloses a head end unit that can switch between substitute sources of content. A community of viewers may be divided into geographic zones. See U.S. Patent Application Publication 2001/0027564 to *Cowan, et al.* at paragraphs [0007] and [0021]. A substitute signal source may be controlled to provide substitute channels. See *id.* at paragraph [0022]. A market researcher's computer may determine which zone demographically suits a channel. See *id.* at paragraph [0023]. A base band switch may respond to control signals to selectively connect inputs to outputs. See *id.* at paragraph [0028]. A market researcher may control the base band switch. See *id.* at paragraph [0029].

Ming discloses program category codes that are inserted into television signals. See U.S. Patent 5,710,815 to *Ming, et al.* at column 8, lines 17-20. The program category codes are compared to thresholds and objectionable programming is blocked. See *id.* at lines 58-62. Each

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program category may have different levels, and the user establishes their maximum, threshold tolerable level for any category code. *See id.* at column 9, lines 1-8 and lines 40-50. These "extended" category codes are compared to the user's threshold levels to block portions of the video signal. *See id.* at column 10, lines 13-25.

Palmer discloses dividing a frame of video data into cells and obscuring cells to censor objectionable material. *See* U.S. Patent 5,195,135 to *Palmer* at column 3, lines 25-35.

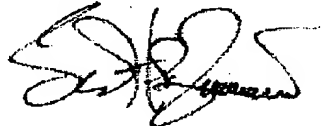
Still, though, the proposed combination of *Oko*, *Cowan*, *Ming* and *Palmer* does not obviate independent claims 6 and 9. Even though *Oko*, *Cowan*, *Ming* and *Palmer* teaches comparing different levels of program category codes to thresholds, their combined teaching does not teach or suggest "scanning the batch of program data in advance to determine a percentage of the program data that will be blocked according to the user profile" (emphasis added). The combined teaching of *Oko*, *Cowan*, *Ming* and *Palmer*, quite simply, fails to contemplate an advance scan to determine the percentage of the program that will be blocked. The proposed combination of *Oko*, *Cowan*, *Ming* and *Palmer* also fails to teach or suggest "when the percentage of the blocked program data exceeds a threshold percentage, then blocking the entire program." The combined teaching of *Oko*, *Cowan*, *Ming* and *Palmer* also fails to contemplate a threshold percentage that determines when an entire program is blocked. Independent claims 6 and 9, then, cannot be obvious over *Oko*, *Cowan*, *Ming* and *Palmer*.

Claims 6-9 and 19-20, then, are not obvious over *Oko*, *Cowan*, *Ming* and *Palmer*. Independent claims 6 and 9 recite many features that are not taught or suggested by the proposed combination of *Oko*, *Cowan*, *Ming* and *Palmer*. The dependent claims incorporate these same features and recite additional features. Because *Oko*, *Cowan*, *Ming* and *Palmer* are silent to all the claimed features, one of ordinary skill in the art would not think that claims 6-9 and 19-20 are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of claims 6-9 and 19-20.

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If any issues remain outstanding, the Office is requested to contact the undersigned at
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Respectfully submitted,



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